

04-R-1033

AN AMENDED RESOLUTION BY

CITY UTILITIES COMMITTEE

A RESOLUTION TO AUTHORIZE PAYMENT OF STIPULATED PENALTIES IMPOSED BY THE ENVIRONMENTAL PROTECTION AGENCY (EPA) AND THE ENVIRONMENTAL PROTECTION DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA (EPD) IN AN AMOUNT NOT TO EXCEED \$343,500.00 PURSUANT TO THE FIRST AMENDED CONSENT DECREE, CIVIL ACTION FILE NO. 1:98-CV-1956-TWT; TO IDENTIFY THE SOURCE OF FUNDING; AND FOR OTHER PURPOSES.

WHEREAS, on May 21, 2004 the Georgia Environmental Protection Division (EPD) and the United States Environmental Protection Agency (EPA) made a written demand on the City for stipulated penalties concerning violations of the First Amended Consent Decree (1:98-CV-1956-TWT); and

WHEREAS, the First Amended Consent Decree stipulated penalties for 2003 are 16% less than those fines in 2002; and

WHEREAS, the Department of Watershed Management continues to make substantial progress within the separated and combined sewer systems in which the Department expects to continue seeing declines in future fines and spills; and

WHEREAS, under the First Amended Consent Decree the City is subject to stipulated penalties for sanitary sewer overflows (SSOs) to waters and dry land (all quarters for 2003); and

WHEREAS, the total amount assessed and demanded by EPD and EPA for these violations is Three Hundred Forty-Three Thousand Five Hundred Dollars and 00/100 (\$343,500.00) as set out in Exhibit "A" hereto; and

WHEREAS, the Department of Watershed Management of the City does not dispute the fact that these violations did occur; and

WHEREAS, the payment to EPD and EPA of this assessment by the City does not constitute a finding or adjudication, is not to be evidence of a violation of state or federal laws by the City, nor does the City by its consent agree to any violations of state or federal laws or admit any liability to any third party or parties; and



WHEREAS, funds for this purpose are available in account number 2J01 529017 Q31001; and

WHEREAS, it is deemed to be in the interest of the City to accept the proposed stipulated penalties and to pay the incident assessments to them.

NOW, THEREFORE, BE AND IT IS RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA as follows:

Section One: That the Chief Financial Officer of the City is authorized to issue checks in the amounts not to exceed One Hundred Seventy One Thousand Seven Hundred Fifty Dollars and 00/100 (\$171,750.00) payable to the **State of Georgia** and One Hundred Seventy One Thousand Seven Hundred Fifty Dollars (\$171,750.00) payable to the **Treasurer, United States of America** as stipulated penalties imposed pursuant to the First Amended Consent Decree at the discretion of the Environmental Protection Agency and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia; and

Section Two: That the Chief Financial Officer is authorized to pay interest due, if any, on the said stipulated penalties in accordance with the First Amended Consent Decree; and

Section Three: That the said payments be chargeable to Account Number 2J01 529017 Q31001.

Section Four: That the Department of Aviation shall reimburse the Department of Watershed Management for \$4,000 for a stipulated penalty included in the demand letter from EPA/EPD dated 5-21-04 in regards to a sewer spill at the construction site of the 5th runway on 2-8-03 which was a spill in the amount of 25,000 gallons.

A true copy,


Deputy Clerk

ADOPTED as amended by Council
APPROVED by the Mayor

July 6, 2004
July 14, 2004

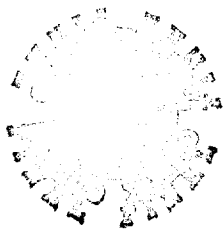


Exhibit A
Summary of Penalty Demand

First Amended Consent Decree Violations	Amount
1st Quarter/Yr. 2003:	
118 unpermitted discharges to waters of the State	
59 sewage overflows to dry land	Subtotal: \$103,500
2nd Quarter/Yr. 2003:	
124 unpermitted discharges to waters of the State	
52 sewage overflows to dry land	Subtotal: \$122,000
3rd Quarter/Yr. 2003:	
72 unpermitted discharges to waters of the State	
34 sewage overflows to dry land	Subtotal: \$62,500
4th Quarter/Yr. 2003:	
59 unpermitted discharges to waters of the State	
36 sewage overflows to dry land	Subtotal: \$51,500
5th Runway – Department of Aviation (2-8-03)	Subtotal: \$4,000
TOTAL DEMAND	\$343,500

RCS# 5880
7/06/04
3:18 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 1-9, EXCEPT:04-R-1187
04-R-1179 04-R-1143 03-O-1690
ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

Y Smith	Y Winslow	Y Shook	Y Martin	Y Mitchell
Y Starnes	Y Archibong	NV Muller	Y Maddox	Y Norwood
NV Young	Y Fauver	Y Moore	Y Mosley	Y Willis

CONSENT I

7-06-04 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-1036 2. 04-O-1037 3. 04-O-1038 4. 04-O-1039 5. 04-O-1040 6. 04-O-1041 7. 04-O-1042 8. 04-O-1196 9. 04-O-1013 10. 04-O-1014 11. 04-O-1050 12. 04-O-1054 13. 04-O-1055 14. 04-O-1058 15. 04-R-1152 16. 04-R-1153 17. 04-R-1158 18. 04-R-1193 19. 04-R-1155 20. 04-R-1149 21. 04-R-1150 22. 04-R-1033 23. 04-R-1146 24. 04-R-1148 25. 04-R-1159 26. 04-R-1160 27. 04-R-1161 28. 04-R-1187 29. 04-R-1188 30. 04-R-1189 31. 04-R-1190 32. 04-R-1191 33. 04-R-1192	34. 04-R-1163 35. 04-R-1164 36. 04-R-1165 37. 04-R-1166 38. 04-R-1167 39. 04-R-1168 40. 04-R-1169 41. 04-R-1170 42. 04-R-1171 43. 04-R-1173 44. 04-R-1174 45. 04-R-1175 46. 04-R-1176 47. 04-R-1177 48. 04-R-1179 49. 04-R-1180 50. 04-R-1181 51. 04-R-1182 52. 04-R-1183 53. 04-R-1184 54. 04-R-1185 55. 04-R-1186

04-*R*-1033

(Do Not Write Above This Line)

A RESOLUTION BY CITY UTILITIES COMMITTEE

A RESOLUTION TO AUTHORIZE PAYMENT OF STIPULATED PENALTIES IMPOSED BY THE ENVIRONMENTAL PROTECTION AGENCY (EPA) AND THE ENVIRONMENTAL PROTECTION DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA (EPD) IN THE AMOUNT OF THREE HUNDRED FORTY THREE THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$343,500.00) PURSUANT TO THE FIRST AMENDED CONSENT DECREE, CIVIL ACTION FILE NO. 1:98-CV-1956-TWT; TO IDENTIFY THE SOURCE OF FUNDING: AND FOR OTHER PURPOSES.

As Amended

ADOPTED BY

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & RE
☐ PERSONAL PAPER REFER

JUL 06 2004

COUNCIL

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

City Committee 6/25
June 15, 2004
Chair _____
Action _____
Fav, Adv, Hold (see rev. side) _____
Other _____

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Members
John Smith
[Signature]

Refer To

Refer To

FINAL COUNCIL ACTION

☒ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED
JUL 06 2004

COUNCIL PRESIDENT PRO TEM

CERTIFIED
JUL 06 2004

Franklin Buchanan
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
[Signature]
MAYOR